



COUNCIL MINUTES

August 16, 2007

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on August 16, 2007 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner

1. Hear a presentation, discuss and provide direction on the Volunteer Code Enforcement Program as recommended by the Community & Neighborhood Services Committee. (Approval. Vote: 3-0).

Acting Neighborhood Services Director Ray Villa advised that this proposal, which was developed by representatives of several neighborhoods, was presented to the Community & Neighborhood Services Committee on June 25th.

Acting Code Compliance Director Mike Renshaw acknowledged the efforts of neighborhood representatives to develop the program, and he noted that several of the representatives were present in the audience. He displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) that provided an overview of the Volunteer Code Enforcement Program. Mr. Renshaw explained that the benefits of the program include the opportunity to educate citizens regarding Code violations and the availability of an additional resource to address the 90 percent of property owners who voluntarily abate Code violations, which enables Code Compliance staff to focus on the cases that are more difficult to resolve.

Mr. Renshaw advised that Marlborough Mesa, Mesa Grande Community Alliance, CARE Partnership and the Golden Hills Homeowners' Association were instrumental in developing the program, which is based on a similar program in Fort Worth, Texas that has been very successful. He stated that staff is recommending a one-year pilot program with an evaluation after the first six months. Mr. Renshaw noted that Code Teams would address minor nuisance violations and said that each neighborhood would have a Team Leader to coordinate activities with Code Compliance and be responsible for:

- Registering the neighborhood with Neighborhood Outreach, if necessary.
- Obtaining and distributing Volunteer Applications and Agreements for team members.

- Distributing Mesa Code Team brochures.
- Scheduling required training for the team members.
- Meeting with Code Compliance liaisons to discuss team performance.

Mr. Renshaw stated that the volunteer training would include an orientation, information on identifying minor Code violations, and methods of observing, recording and reporting information to Team Leaders and Code Compliance. He explained that a ten-day courtesy notice mailed to a violator would be completely separate from an official Code Compliance violation notice. Mr. Renshaw added that the training would also address behavior that would constitute grounds for removal from the team. He referred to the flow chart (see Attachment 1) that outlines the Mesa Code Team process, and he outlined the following responsibilities of the Code Team:

- Educate neighbors regarding common Code violations.
- Assist in the recruitment and training of volunteers.
- Observe and record violations.
- Communicate consistently with the Code Compliance Division.

Mr. Renshaw advised that the following activities would constitute grounds for removal from the program:

- Distribution of non-approved communication.
- Inability to work cooperatively and effectively.
- Repeated reporting of non-violations.
- Failure to follow proper reporting procedures.
- Deliberately supplying false information.
- Harassment of property owners or residents or selective enforcement.
- Carrying a weapon while observing (even if licensed).
- Trespassing on private property.

Mr. Renshaw summarized that the Volunteer Code Team Program would create a greater sense of community, free Code Compliance Officers to address more difficult and time-consuming cases, improve cost effectiveness and educate residents regarding existing City Codes.

Councilmember Griswold expressed support for the program on a trial basis.

In response to questions from Mayor Hawker, Mr. Renshaw stated that each neighborhood would appoint a team leader, and that the team leader would review each observer's logbook.

Discussion ensued regarding the fact that during the initial period of the program, the team leaders would verify the violations recorded by the observer during the initial period; that staff would monitor the team leaders; and that the observers would be requested to refrain from carrying a concealed weapon during the process of identifying violations.

Mayor Hawker expressed concern that the program proposes to prevent a licensed individual from carrying a concealed weapon, and he noted that a citizen holding a concealed weapons permit has completed a background check.

In response to comments by Vice Mayor Walters, Mr. Villa confirmed that Code Compliance would issue the courtesy notice and that an official City notice, if necessary and confirmed by a Code Compliance Officer, would be issued at a later date. He noted that the program is designed to be an educational process.

Further discussion ensued relative to the fact that bad taste is not a violation of City Code; that volunteers would be trained to differentiate between bad taste and Code violations; and that the Mesa Grande Community Alliance volunteers would focus on small neighborhoods within the Mesa Grande area.

In response to a question from Councilmember Rawles regarding the issue of concealed weapons, Mr. Villa noted that staff's intent is to discourage volunteers from carrying a weapon.

Councilmember Rawles stated the opinion that volunteer observers should not have any type of contact or direct communication with a property owner regarding a possible Code violation.

Mr. Villa advised that volunteers would be instructed to refrain from contacting property owners, and he added that the use of binoculars and cameras is also discouraged. He explained that the presentation to the Council is a synopsis of the program.

Additional discussion ensued relative to the fact that the City of Mesa logo would not appear on the courtesy notices; that the neighborhood logo would be inserted on courtesy notices; and that neighborhood newsletters would provide information regarding the volunteer program.

Vice Mayor Walters explained that currently Code Compliance responds to citizen reports of a possible violation by sending a courtesy notice to the property owner without the property being inspected or observed by a City employee.

Responding to comments from Vice Mayor Walters, Mr. Renshaw stated that the training could incorporate a process for the volunteer to notify the Police Department when illegal activities are observed.

Councilmember Whalen stated the opinion that the issue of concealed weapons should be removed from the program.

Further discussion ensued relative to the fact that residents have a vested interest in the appearance of the neighborhood; and that City employees providing services in residential areas have different goals and seldom report Code violations.

City Attorney Debbie Spinner advised that the legal implications of a volunteer having a concealed weapon or being prohibited from having a concealed weapon while making observations would depend on the circumstances of an incident and the facts of the case.

In response to a question from Councilmember Griswold, Mr. Renshaw advised that Code Compliance is currently staffed by thirteen full-time employees, one part-time staff member, two supervisors and a Code Compliance Coordinator.

Councilmember Griswold expressed support for a one-year trial program with an update to the Council after six months.

Councilmember Rawles expressed concern regarding the possibility of a confrontation between a volunteer and a property owner that could escalate.

Councilmember Jones stressed that the observations by volunteers should be conducted in an unobtrusive manner. He stated that he supported a trial program, and he emphasized that the training of volunteers was a key factor.

In response to questions from Vice Mayor Walters, Ms. Spinner advised that the City Attorney's Office would assist Code Compliance with the legal details of the program. She stated that staff is seeking general direction from the Council relative to moving forward with the program. She added that the City Attorney's Office could provide risk management training to the team leaders and volunteers.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the proposal for a Volunteer Code Enforcement Program in the four designated neighborhoods move forward as a one-year pilot program with a six-month interim report to the Council.

Councilmember Rawles stated that he would prefer to review the policies and training materials prior to Council authorization of the pilot program, and he advised that he could not support the motion as stated.

Vice Mayor Walters explained her concerns were addressed by the fact the City Attorney's Office would be providing legal advice and risk management training.

Councilmember Somers said that he could support the motion based on the fact that the City Attorney's Office was providing assistance and training regarding the legal issues.

Councilmember Jones advised that he would prefer to review a draft of the procedures before the trial program is implemented.

Vice Mayor Walters offered an amendment to the motion, which was accepted by the seconder, to include a review by the Councilmembers of the Volunteer Code Enforcement Program policies and procedures prior to implementation of the pilot program and, if necessary, the Councilmembers could request further Council consideration of the proposal at a future Study Session.

Mayor Hawker called for a vote on the motion, as amended.

Carried unanimously.

2. Hear an update and discuss air quality legislation.

Environmental Programs Administrator Scott Bouchie displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide an update on air quality issues related to Particulate Matter of less than 10 microns (PM-10) and ozone. He provided an overview of the City's commitments regarding measures to reduce PM-10 emissions. Mr. Bouchie addressed Senate Bill 1552 (SB1552), an air quality bill that was adopted during the 2007 Legislative session. He noted that many of the bill's requirements were previously adopted by the City of Mesa, and he stated that other ordinance changes required by the bill would be presented for Council consideration later in the year.

Mr. Bouchie advised that although the Maricopa County region continues to have a non-attainment status related to ozone, attainment is required by 2009.

Mr. Bouchie stated that Maricopa County was designated as a serious non-attainment area for PM-10 in 1996, and that attainment was required by 2006. He noted that violations continued in 2005 and 2006, and he added that five exceedences of the standard in 2007 were the result of high wind events. Mr. Bouchie said that the Arizona Department of Environmental Quality (ADEQ) is confident that the Environmental Protection Agency (EPA) will accept the fact that the five exceedences were the result of natural events. He advised that the adverse consequences of failing to attain compliance include the loss of Federal transportation funding and the implementation of stricter control measures on industry.

Mr. Bouchie outlined the requirements of SB1552, which include the development and implementation of stabilization plans for unpaved roads, alleys and shoulders by January 1, 2008 that include performance goals and a schedule for implementation and funding options. He advised that the City presently has less than one mile of unpaved roads, 84 miles of unpaved alleys (an alley abandonment program is currently underway), and 64 miles of unpaved shoulders (which are stabilized each year at a cost of \$150,000 that is funded by the Environmental Compliance Fee). Mr. Bouchie reported that by March 31, 2008, the use of leaf blowers by City employees and contractors must be prohibited on High Pollution Advisory (HPA) days. He noted that the City's current landscape contract prohibits the use of leaf blowers on HPA days. Mr. Bouchie added that among the additional requirements are the following:

- Adoption of an ordinance no later than March 31, 2008, that prohibits the blowing of landscape debris into public roadways.
- Adoption of an ordinance no later than March 31, 2008 (with an enforcement date of October 1, 2008) that requires the stabilization of parking lots and specifying the method of stabilization, with a residential exception for lots of less than 5,000 square feet.
- Adoption of an ordinance that restricts vehicle use on unpaved or unstabilized lots.
- Inspection of City property on a monthly basis.
- Requirement for PM-10 efficient street sweepers for all new or renewed contracts (all City-owned sweepers are PM-10 efficient and the current contract requires PM-10 efficient sweepers).
- Adoption of an ordinance that prohibits the use of off-road vehicles on unpaved areas.

Mr. Bouchie noted that SB1552 also implements additional requirements on the State and County governments to provide public education and training.

In response to a question from Councilmember Jones, Mr. Bouchie advised that the alley abandonment program reduces travel and the need for stabilization in these areas.

Discussion ensued relative to the fact that Maricopa County has developed brochures to promote the "Bring Back Blue" campaign, which will also address the proper use of leaf blowers; that several of the PM-10 monitors in Maricopa County that register exceedances are located in river bottoms where dust is prevalent; that stabilization efforts are being made in the areas of the exceedances; that the EPA determines the locations of the monitors; and that staff's next presentation to the Council should include the chart that displays the sources of pollution.

Responding to a question from Councilmember Griswold, Mr. Bouchie advised that staff is working with the County to identify the unpaved roads located within County islands. He noted that some of the unpaved roadways in County islands are not actually "roads," but are simply areas where a property owner has granted ingress and egress rights to a resident. Mr. Bouchie added that the County will not accept these roadways until the residents fund the cost to pave the roads to County standards. He stated that SB1552 might require these residents to stabilize the areas of ingress and egress.

Additional discussion ensued relative to the fact that less than 0.73 miles of Mesa roadways require pavement; that the County roads north of McKellips between Power Road and Usery Pass generate dust in residential areas; and that staff should endeavor to prepare a joint submittal with Maricopa County in order to secure grant funds with which to pave the County roadways.

Mayor Hawker thanked Mr. Bouchie for the update.

3. Appointments to boards and committees.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Theresa Carmichael

Expiration of Term: June 30, 2009

HISTORIC PRESERVATION COMMITTEE

Jason Hughes

Expiration of Term: June 30, 2010

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that the Council concur with the Mayor's recommendations and the appointments be confirmed.

Carried unanimously.

4. Acknowledge receipt of minutes of various boards and committees.

- a. Museum and Cultural Advisory Board meeting held on June 13, 2007.
- b. Planning and Zoning Board meetings held on June 19 and June 21, 2007.
- c. Economic Development Advisory Board meeting held on June 19, 2007.
- d. Transportation Advisory Board meeting held on June 19, 2007.

It was moved by Vice Mayor Walters, seconded by Councilmember Somers, that the above-listed minutes be acknowledged.

Carried unanimously.

5. Hear reports on meetings and/or conferences attended.

Councilmember Somers:

Grand opening of Altier Credit Union location.
Tour of the Mountain Vista Medical Center.

Mayor Hawker:

Economic Roundtable for the Mesa Proving Grounds.

Councilmember Griswold: M & I Bank fundraiser for the Police K-9 unit.
Meeting with Mesa General Hospital Board of Directors
regarding emergency room service.

6. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Thursday, August 16, 2007, 8:30 a.m. – Intergovernmental Affairs Committee Meeting

Thursday, August 23, 2007, 7:30 a.m. – Study Session

Thursday, August 23, 2007, 8:00 a.m. – Transportation & Infrastructure Committee Meeting

Monday, August 27, 2007, TBA – Study Session

Monday, August 27, 2007, 5:45 p.m. – Regular Council Meeting

7. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 8:51 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 16th day of August 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK